

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH

STATE FARM FIRE & CASUALTY
COMPANY,

Plaintiff,

vs.

DIANE KATZ, DANIELLE KATZ, and
HYDIN ROAD TRUST

Defendant,

2:23-CV-00912-MJH

ORDER

Following review of the Affidavit of Service filed on May 9, 2024 (ECF No. 28), the Court raises, *sua sponte*, the issue of improper service of process. *See* Fed.R.Civ.P. 4(m); *Pusey v. Dallas Corp.*, 938 F.2d 498, 500–01 (4th Cir.1991).

The Affidavit of Service purports that process server, Nikayla Young, made a “successful attempt” at serving Danielle Katz at 15 Woodbrook Drive, Pittsburgh, PA 15215. However, from the affidavit, it appears that Ms. Young encountered Ms. Katz’s father at said address who advised that Ms. Katz was only at the address “sometimes” and that he did not feel comfortable accepting service. Ms. Young then attests that she left the documents at the address.

Fed. R. Civ. P. 4(e)(2) provides that an individual may be served by doing the following:

- (A) delivering a copy of the summons and of the complaint to the individual personally;
- (B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
- (C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Fed. R. Civ. P. 4(e)(2).

Here, the affidavit does not reflect that Ms. Katz was served personally or that the subject address that she was at “sometimes” was her “dwelling or usual place of abode.” Therefore, the Court cannot find that Ms. Katz has been properly served.

Accordingly, the Court will strike the Affidavit of Service and suspend the Answer deadline appearing on the docket. It is further ordered that Plaintiff’s deadline in this Court’s Show Cause Order (ECF No. 25) will be extended to May 20, 2024.

Dated: May 10, 2024

BY THE COURT:



MARILYN J. HORAN
United States District Judge